Contents

Minutes of the 116th meeting of the Board of the EHRC.....1

Attending.....1

Commissioners.....1

Board Attendees.....1

Officers.....1

Guests.....1

1. **Chairwoman's welcome and apologies**.....2
2. **Declarations of interest**.....2
3. **Minutes of the 115th Board Meeting**.....2
4. **Actions Arising**.....2
5. **Committee and Commissioner Working Group updates**.....3
6. **CEO Report and Chairwoman's update**.....4
7. **Regulatory Triage Process Overview**.....6
8. **Estates and locations strategy 2025-28**.....7
9. **First draft Business Plan and Budget 2024/25 and forward financial plan 2024-27**.....8
10. **Corporate KPIs**.....9
11. **Review of progress on SCA recommendations from our NHRI reaccreditation**.....11
12. **International Framework Approach**.....11
13. **AOB**.....11

Minutes of the 116th meeting of the Board of the EHRC

24 January 2024 (09:30 to 16:00)

Broadway House, Tothill St, London, SW1H 9NQ

Attending

Commissioners
Kishwer Falkner (Chairwoman), Lesley Sawers (V) (Interim Deputy Chair), Jess Butcher, Joanne Cash, David Goodhart (items 1 to 8 and 11 to 16), Alasdair Henderson (item 1 to 14), Kunle Olulode, Akua Reindorf (item 1 to 14)

Board Attendees
Martyn Jones, Acting Chair of Wales Committee (V)

Officers
Cath Denholm, Interim Chief Executive
John Kirkpatrick, Deputy Chief Executive
Moya Alcock, Director of Communications
Cihan Altan, Chief of Staff
Bill Malloy, Director of Finance, Governance and Planning
Victoria Mearns, Corporate Governance
Amanda Topham, Head of Corporate Law and Information Governance
Martin Crick, Director of Regulation (item 9)
Hannah Parsons, Senior Principal – Regulatory Hub (item 9)
Miriam Bookman, Private Secretary (item 9 to 16)
Will Taylor, Head of Strategy (item 11 to 16)
Beverley Reid, Head of Business Improvement (items 11 and 12)

Guests
Helen Anderson, Government Equality Hub

1. Chairwoman's welcome and apologies

1.1 The Chairwoman welcomed attendees to the meeting.

1.2 Apologies were received from David Goodhart for items 9 and 10, and from Akua Reindorf and Alasdair Henderson from item 14 onwards.

2. Declarations of interest

2.1 Akua Reindorf declared an interest with regards to the CEO report in children's social care, advising that she would recuse herself if there was any discussion on this point.

3. Minutes of the 115th Board Meeting

3.1 The Board approved the minutes of the meeting of 23 November as an accurate record, subject to a minor amendment to paragraphs 6.7 and 8.

4. Actions Arising

4.1 The Board noted the action log.

4.2 Commissioners agreed that action 112/7.3 should be updated to reflect that the review of remuneration for Commissioners should be taken forward by the Executive with the oversight of the People and Workspace Committee (P&WC), rather than as part of the Governance Review.

4.3 Subject to this amendment, the Chairwoman advised she is content that everything on the action log is in hand and will be covered at this or future meetings.

5. Committee and Commissioner Working Group updates

5.1 The Chair of the Audit and Risk Assurance Committee (ARAC) advised that ARAC met on 5 December and discussed items including the budget, internal audit reports on Procurement and Contracts Management, Financial Reporting and Change Management, and the risk register, where some proposed amendments to the register were agreed. ARAC also discussed the new policy approval and review framework and proposed an internal audit of policy compliance for next year. ARAC also met on 18 January to review the internal audit plan for 2024-25, which will receive final approval at the next meeting.

5.2 The P&WC Chair advised that the Committee met on 11 December and approved proposals from the Executive to extend the current recruitment system contract, pilot a new external service for exit interviews and undertake a review of staff networks. P&WC also discussed and supported the proposed direction of travel for the Locations and Estates Strategy.

5.3 The Chair of the Statutory Report Commissioner Working Group (CWG) advised that the CWG has not met since the last Board meeting. He provided a brief update on the stakeholder response to the Report, advising that stakeholder reaction had generally been positive but noting also that the download rate was very similar to when the Report was last published in 2018.

5.4 The Chair of the Human Rights Monitoring (HRM) CWG advised that the CWG had not met since the last Board meeting. However, several reports are in their final stages, we are meeting shortly with the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence, and a new methodological approach to the Human Rights Tracker progress assessments has been approved.

5.5 The Scotland Commissioner advised that the Scotland Committee met on 12 December and discussed items including the draft Key Performance Indicators (KPIs) and the 2024-25 Business Plan, where they recommended socio-economic factors are further considered. She also advised that the Scottish Government have announced a consultation on conversion therapy, which will be discussed at the next Scotland Committee meeting on 7 March. It was agreed that the Board will discuss the proposed consultation response at the March Board meeting and that the currently stated UK position of the EHRC on this matter should be circulated to Board members.

Action: Current stated UK position of the EHRC on conversion therapy to be circulated to Board members; draft consultation response to be discussed at the March Board meeting.

5.6 The Acting Wales Committee Chair advised that the Wales Committee met on 7 December and discussed items including the 2024-25 Business Plan and progress with the Committee's effectiveness review. The Acting Chair also updated on the current recruitment for new members of the Wales Committee, noting that there had been an encouraging level of interest from targeted sectors.

6. CEO Report and Chairwoman's update

6.1 The Board noted the CEO Report and agreed the following:

a. To approve the updated Terms of Reference for the People and Workspace Committee (PW&C).
b. To approve a new strategic risk relating to the SCA's special review and broader external challenge to the Commission (risk 2a) and minor rewording to risks 9, 11, and 13.
c. To remit to the Chair, Scotland Commissioner, Chair of the P&WC and the Interim Chief Executive to revise the wording proposed to the Board under Appendix 1 with regards to delegations to the CEO under S3.15 of the Governance Manual. Once agreed, this will be re-circulated to the Board.

d. To appoint an external reviewer to undertake an external review of EHRC governance systems. The Terms of Reference will be circulated to Board members for comment prior to approval.

6.2 The Interim Chief Executive spoke to concerns raised at the previous Board meeting regarding the process for Board approval of recommendations in significant publications such as the *Equality and Human Rights* Monitor. She advised that new protocol has been agreed whereby the executive summary and recommendations will always be presented to the Board for explicit approval as discrete components of the fuller report. The Deputy Chief Executive also spoke to two recommendations in the Monitor which had been queried for their clarity and currency. It was agreed to add a clarification on one recommendation regarding data collection in schools to the EHRC website and also to write with that clarification to an interested stakeholder. With regard to a recommendation on disability pay gap reporting, it was agreed to review the EHRC's position within the context of planned work on pay gaps during 2024/25.

Action: Clarification to be made to one recommendation in the *Equality and Human Rights Monitor* published on the EHRC website; a review of disability pay gap reporting to be proposed within planned work on pay gaps during 2024/25.

6.3 The Chairwoman raised the challenges in keeping EHRC policy positions under regular review and easy to access via an up to date register. The Deputy Chief Executive and Director of Communications agreed that this was required and advised that the intention is to use the improved functionality of the new intranet to develop this next year.

Action: Executive team to develop a proposal on how an EHRC policy register could be created and maintained.

6.4 [Redacted due to confidentiality].

6.5 The Interim Chief Executive noted that we have yet to receive a response from the Government Equalities Office on the revised Framework Document. Helen Anderson agreed to follow this up, noting that a resolution before the Special Review in April would be advantageous.

6.6 The Chairwoman requested a plan for and guidance on pre-election engagement (including advice for Commissioners' own engagement in these matters) be shared with and approved by the Board.

Action: Plan and guidance on pre-election engagement to be shared with the Board for approval.

6.7 The following actions were also agreed:

Action: Private Office to share the Commission's response to MP regarding our advice on the definition of sex in the Equality Act with interested Commissioners.

Action: Private Office to share the Commission's response to the publication of the Department for Education's draft guidance for gender questioning children and the related consultation on 19 December 2023 with interested Commissioners.

7. Regulatory Triage Process Overview

7.1 The Acting Director of Regulation introduced the paper, providing an overview of how the regulatory triage process works in practice.

7.2 The Chairwoman commended the impact of the Regulatory Hub since its establishment in 2022 and asked how referrals sent via the Private Office impact on the Hub. The Director of Regulation advised that all referrals are helpful in providing intelligence and influencing future planning.

7.3 Commissioners queried the split of reactive versus proactive work undertaken by the Regulatory Hub. The Director of Regulation advised that the current balance tends towards reactive but that new mechanisms, such as media scanning, are being introduced to support more proactive approaches.

7.4 To a question on the interface with teams in Scotland and Wales, the Regulatory Hub Senior Principal explained that colleagues in both Wales and Scotland are involved in the triage process.

7.5 The Board thanked staff for an informative presentation and welcomed the suggestion of a rolling programme of deep dives into key working processes of the Commission.

Action: Governance team to incorporate a rolling programme of deep dives into the Board Forward Schedule.

8. Estates and locations strategy 2025-28

8.1 The Board agreed that 40% minimum office attendance should remain the present guidance, with a formal review of this attendance level to be led by the P&WC in October 2024.

8.2 The Board agreed that there should be a substantive discussion on the nature of our future organisational presence in England, Scotland, and Wales and that this should inform the future location of offices. The most urgent decisions relate to the office in Scotland. It was noted that detailed data on employment and travel patterns would support this discussion.

Action: Substantive discussion on three nations working model to return to the Board for review after discussion at P&WC.

8.3 The Board endorsed the decision of the Executive to postpone any permanent estates solution in Scotland pending this review but encouraged suitable temporary accommodation to be secured as soon as possible.

8.4 The Board also noted proposed actions including the addition of a performance objective for Directors from 1 April 2024 to support consistent and agreed attendance levels across their teams (currently 40%) and the development of a formal working policy to further support clarity and compliance with current or future organisational positions.

9. First draft Business Plan and Budget 2024/25 and forward financial plan 2024-27

9.1 The Head of Business Improvement introduced the paper and requested a steer from the Board on the proposed top priorities for delivery in the 2024-25 business plan.

9.2 The Board supported the proposed approach to Fostering Good Relations being presented as a cross-cutting theme rather than a discrete programme of work.

9.3 The Board agreed that emerging technologies is a priority area for the next Business Plan and both AI in Recruitment Practices and state use of facial recognition technology should be explored as substantive work areas. It was also agreed that the Board should receive development on the emerging field of AI as a priority.

Action: Training session to be arranged for Board Members on emerging and digital technologies.

9.4 The inclusion of pay gap reporting was queried, given that reporting achieved 100% compliance this year. The Head of Business Improvement explained that it was considered that further work to validate some of the data received by organisations would be useful.

9.5 The Chairwoman noted the decision to end the Race Legal Support Fund. The Interim Chief Executive advised that the Fund had supported a higher number of cases and to a higher value than had originally been planned. A thorough evaluation would be conducted and early findings promoted as soon as possible to showcase our impact in matters of race discrimination.

9.6 The Chairwoman advised that as part of the Reset and Renewal programme, she would be undertaking regular visits to the Scotland, Wales and Manchester offices.

9.7 Commissioners noted the significant reduction in the proposed budget for Board costs in 2024-25, highlighting that Commissioner pay has remained static for some time and also that the workload expectations on Commissioners are high, particularly given the current number of Commissioners. It was agreed that the Director of Finance, Planning and Governance will produce a benchmarking paper for presentation to the P&WC.

Action: Director of Finance, Planning and Governance will consult Commissioners and produce a paper on Commissioner remuneration for P&WC before returning to the Board.

9.8 Noting an earlier point, it was agreed that work planned on pay gaps in the 2024-25 Business Plan would be the appropriate opportunity to confirm the position of the Commission with regards to monitoring and reporting on the recruitment, retention, progression and pay of disabled workers.

9.9 The Chairwoman requested that when the Business Plan returns to the Board, detail is provided on what the Commission has achieved across the six areas of the 2023-24 Business Plan.

Action: Head of Business Improvement to provide the Board at its next meeting with a summary of what the Commission has achieved across the six areas of the 2023-24 Business Plan.

10. Corporate KPIs

10.1 The Head of Business Improvement introduced the paper, advising that the proposed indicators have been developed for the following areas: regulation, external impact, and internal health.

10.2 The Scotland Commissioner asked if this would be a one nation approach. The Head of Business Improvement advised that a one nation approach is the proposal, however that there will be opportunities across the basket of measures to take an individual nation focus where appropriate.

10.3 Commissioners advised on several limitations with the indicators proposed:

a. media mentions cover both positive and negative aspects;
b. stakeholder feedback can be generated to have a skewing effect;
c. parliamentary mentions fluctuate dependent on the legislation passing through;
d. fixed targets are unlikely to be valid measures of impact in our context.

10.4 It was agreed to commission further work to develop the proposed KPIs to ensure that they are fit for purpose and helpful in building a picture of performance and impact at EHRC. It was also agreed that KPIs should be used for internal reporting only. It was proposed that the Chairwoman, the ARAC Chair, the P&WC Chair, the Interim Chief Executive, and the Head of Business Improvement are involved in further development of the KPIs.

Action: Private office to arrange a further discussion on Corporate KPIs with the Chairwoman, the ARAC Chair, the P&WC Chair, the Interim Chief Executive, and the Head of Business Improvement.

10.5 Once further developed, Corporate KPIs will be shared with the Board for final approval.

Action: Corporate KPIs to be shared with the Board for final approval.

11. Review of progress on SCA recommendations from our NHRI reaccreditation

11.1 The Head of Strategy introduced the paper, advising that this item will likely return to the Board in June for further review following the Special Review in April.

11.2 The Board noted the paper.

11.3 The Chairwoman requested that the Head of Strategy provide the Board with comparative figures on accredited status across the NHRI's in Europe.

Action: Head of Strategy to provide the Board with comparative figures on accredited status across the NHRI's in Europe.

12. International Framework Approach

12.1 The Head of Strategy introduced the paper, outlining the intent of the approach to build reputation, bring influence to bear, learn from others and be seen to support the international community.

12.2 Commissioners were supportive overall of international engagement, but advised that careful triage was needed to prioritise opportunities and ensure strategic fit with the Commission's work.

12.3 The Board agreed with the International Framework and noted the proposals for implementation. They advised that further work should be done to arrive at an agreed method of delivery, including the best location of a dedicated officer support.

13. AOB

13.1 The Chairwoman advised that up to three Commissioner appointments are currently live and asked all present to encourage suitable applicants to apply.

13.2 The Chairwoman advised that the next Board meeting will be held in person on 20 March in London.

13.3 The Board noted the Forward Schedule, and the draft minutes of recent Committee meetings.

13.4 With no other business, the Chairwoman closed the meeting.